IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.M.JOSEPH

TUESDAY, THE 30TH OCTOBER 2007 / 8TH KARTHIKA 1929

WP(C).No. 30577 of 2007(M)

PETITIONER:

B.GOPI,
DRIVER II GRADE, KSRTC, NORTH PARUR DEPOT.,
ERNAKULAM.

BY ADV. SRI.B.RAGUNATHAN

RESPONDENTS:
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1. KERALA STATE ROAD TRANSPORT CORPORATION,
REPRESENTED BY MANAGING DIRECTOR,
KSRTC, TRANSPORT BHAVAN, FORT,
THIRUVANANTHAPURAM-695 023.

2. ASSISTANT TRANSPORT OFFICER,
KSRTC, NORTH PARUR, ERNAKULAM-683 513.

3. ASSISTANT DEPOT. ENGINEER,
KSRTC, NORTH PARUR, ERNAKULAM-683 513.

BY ADV.SRI.JOHNSON.P.JOHN, SC.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 30/10/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.M.JOSEPH, J.

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W.P.(c).No.30577 OF 2007

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Dated this the 30th day of October , 2007

JUDGMENT

Petitioner has approached this court impugning Ext.P4. By Ext.P4 the petitioner who is working as Driver Gr.II has been directed to undergo corrective training. According to the petitioner Ext.P4 is issued presumably on the basis of the report from the third respondent which is referred to in Ext.P4 and petitioner was not given a copy of the report. According to the petitioner, third respondent is not in good terms with the petitioner. It is the contention of the petitioner that there is no reason to depute him. There is nothing to be corrected in the matter of his work or duty, it is stated. It is stated to be illegal and arbitrary. A statement is filed interalia pointing out that the third respondent who is the Assistant Depot Engineer travelled in the bus driven by the petitioner and when the bus reached the stand, petitioner stopped the engine in gear by applying foot brakes all on a sudden. There is also reference to similar incident involving another driver. Third respondent informed that such incidents should not be taken lightly. Ext.R1 is the report.

2. A reply affidavit is filed by the petitioner inter alia

stating that petitioner stopped the bus for alighting the passengers in the bus stand and the engine using stopper cable provided in the engine, as usual. The bus is an old one in which the stopper cable is attached separately, it is stated.

I heard counsel appearing for the petitioner and also the standing counsel. Petitioner would point out that there is no basis for the corrective training. He would submit that petitioner will not be treated as on duty, he will not get TA and DA and such an order cannot be passed without conducting enquiry. Standing counsel would point out that actually the apprehension of the petitioner may not be correct and the petitioner is being treated as on duty and he will get all the benefits on the basis that the petitioner is on duty. In the light of this submission, I feel that petitioner need not have any apprehension and what is involved is corrective training. I do not think that this court should interfere in such a matter as it is essentially a decision of the management. Accordingly, recording the submission of the standing counsel that petitioner will be treated as on duty and will be provided with all be benefits due to him on the basis that he is on duty, Writ petition is disposed of.

(K.M.JOSEPH, JUDGE)

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